

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

CARNEGIE INSTITUTION OF
WASHINGTON and M7D CORPORATION,

Plaintiffs,

v.

FENIX DIAMONDS LLC,

Defendant.

Case No. 1:20-cv-00200-JSR

Hon. Jed S. Rakoff

**DECLARATION OF MAXWELL B. SNOW IN SUPPORT OF
DEFENDANT FENIX DIAMONDS LLC'S REPLY CLAIM CONSTRUCTION BRIEF**

I, Maxwell B. Snow, declare as follows:

1. I am an attorney with Leydig, Voit & Mayer, Ltd. and represent Defendant Fenix Diamonds LLC ("Fenix") in the above-captioned matter.
2. I submit this declaration in support of Defendant Fenix's Reply Claim Construction Brief.
3. Attached as Exhibit A is a true and correct copy of the Complaint filed in *Carnegie Institution et al. v. Pure Grown Diamonds v. Pure Grown Diamonds, Inc. et al.*, Civil Action No. 1:20-cv-00189-JSR (S.D.N.Y. 2020).
4. Attached as Exhibit B is a true and correct copy of the Complaint filed in *Carnegie Institution et al. v. ALTR, Inc. et al.*, Civil Action No. 1:20-cv-00198-JSR (S.D.N.Y. 2020).
5. Attached as Exhibit C is a true and correct copy of Plaintiffs' Local Patent Rule 6 Disclosure to Defendant Fenix Diamonds LLC in Civil Action No. 1:20-cv-00200-JSR.

6. Attached as Exhibit D is a true and correct copy of Plaintiffs' Local Patent Rule 6 Disclosure to Defendants Pure Grown Diamonds, Inc. et al. in Civil Action No. 1:20-cv-00189-JSR.

7. Attached as Exhibit E is a true and correct copy of Kamo et al., *Diamond Synthesis from Gas Phase in Microwave Plasma*, JOURNAL OF CRYSTAL GROWTH 62 (1983) 642–644.

8. Attached as Exhibit F is a true and correct copy of excerpts from the McGraw-Hill Dictionary of Scientific and Technical Terms, 5th ed. (1994). The marker that appears on page 1542 is for identification purposes and is not part of the original document.

9. Attached as Exhibit G is a true and correct copy of U.S. Provisional Application No. 60/331,073 (“the ’073 Provisional”).

10. Attached as Exhibit H is a true and correct copy of the Notice of Allowance dated April 15, 2004 in the file history of U.S. Patent No. 6,811,610 (“the ’610 Patent”).

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct and that this declaration was signed on April 17, 2020 at Chicago, Illinois.

/s/ Maxwell B. Snow
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